

FIRST READING

CITY OF EVANSVILLE
ORDINANCE #2007-8

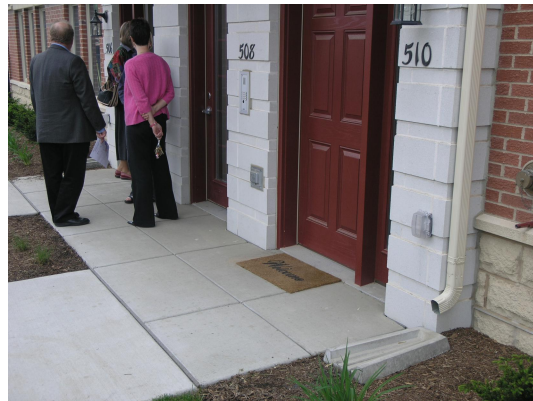
AN ORDINANCE AMENDING CHAPTER 110 OF THE MUNICIPAL CODE BY
REQUIRING THAT CERTAIN RESIDENTIAL LAND DIVISIONS PROVIDE FOR
ACCESSIBLE HOUSING FOR THE ELDERLY AND PEOPLE WITH DISABILITIES

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

SECTION 1. Add the following definition and related graphic to Sec. 110-2:

No-step entrance means an exterior entrance to a building where the exterior landing is at the same grade as the floor inside of the doorway. (See Figure 1)

Figure 1. No-step entrance



SECTION 2. Add Secs. 110-223--110-250,
Reserved.

SECTION 3. Add Article VII, Accessible
Housing for the Elderly and People with
Disabilities.

SECTION 4. Add Sec. 110-251, Generally, to read as follows:

As the population continues to grow disproportionately older, providing accessible housing will become increasingly more important. Simple design features can ensure that homes are accessible to the elderly and people with disabilities. If a home does not have these features, a person may not be able to age in place because they no longer are able to safely use stairs leading to or within their home or resort to building ramps or installing expensive lifts which can detract from the home's exterior appearance or may by necessity intrude into yard setback areas.

SECTION 5. Add Sec. 110-252, Applicability, to read as follows:

This article applies to land divisions consisting of five or more lots intended for single-family residences or duplexes for which a preliminary land division application is submitted to the zoning administrator for review after [codifier is to insert date of ordinance passage].

1
2 SECTION 6. Add Sec. 110-253, Requirements, to read as follows:
3

4 (a) *Number and type of accessible dwelling units.* At least 20 percent of the
5 total number of single-family dwelling units and duplex dwelling units in a
6 project that is subject to this article shall meet the minimum accessibility
7 requirements listed in subpart (b) of this section. For example, if a land division
8 creates 30 single-family lots and 5 lots for duplexes (a total of 40 dwelling units),
9 at least 8 of the units need to be accessible. When a project includes both single-
10 family dwelling units and duplex dwelling units, the number of accessible units
11 by type should, to the extent practicable, reflect the proportion of single-family
12 dwelling units to duplex dwelling units¹. When a project is to be constructed in
13 phases, the number of accessible units should, to the extent practicable,
14 correspond to the number of units to be built in each of the phases². For example,
15 if 30 percent of the dwelling units are included in the first phase, 30 percent of the
16 required number of accessible dwelling units should be constructed in this phase.
17

18 (b) *Minimum accessibility requirements.* An accessible dwelling unit has each
19 of the following features:

- 20 (1) *Accessible main entrance.* The main entrance that faces the street shall
21 be a no-step entrance. It shall have a door at least 36 inches wide and
22 there shall be a space on the interior with a 5-foot clear turning radius to
23 accommodate a person in a wheel chair.
24
- 25 (2) *Accessible sidewalk leading to the no-step entrance.* The sidewalk
26 between the no-step entrance and the driveway or public sidewalk shall
27 not have steps or a slope exceeding 1:12. The plan commission, in its
28 discretion, may allow the no-step entrance to be located on the side of
29 the building, when the developer clearly demonstrates that no lot can be
30 designed to achieve this requirement.
31
- 32 (3) *Accessible bedroom.* There shall be at least one bedroom on the floor
33 served by the no-step entrance with a door at least 36 inches wide.
34
- 35 (4) *Accessible bathroom.* There shall be at least one bathroom, which
36 includes a sink, shower, and toilet, on the floor served by the no-step
37 entrance. It shall have a door at least 36 inches wide and be of sufficient
38 size to accommodate a person in a wheel chair (i.e., 5-foot clear turning
39 radius).
40
41

¹ This provision is intended to avoid the situation where all of the accessible units are duplexes when they represent a small fraction of the total number of dwelling units.

² This provision is intended to avoid the situation where the developer delays construction of accessible units to the final phase, which may or may not be completed.

1 (c) *Optional accessibility features*. The required accessibility features listed in
2 subpart (b) are deemed to ensure a minimum level of accessibility. Additional
3 low-cost design features can also be used to greatly enhance the accessibility of a
4 residence. Such features include the following:

- 5 (1) locate the master bedroom and other key living areas on the floor served
6 by the no-step entrance;
- 7
- 8 (2) install 34-inch interior doors in locations not required to be wider;
- 9
- 10 (3) install a curbless shower in the bathroom or a tub enclosure with integral
11 seat;
- 12
- 13 (4) install grab bars in bathrooms at the time of initial construction;
- 14
- 15 (5) install blocking in bathroom walls so that grab bars, if not installed at the
16 time of initial construction, can easily be installed at a later date;
- 17
- 18 (6) use ramps to access sunken floor areas located on the floor served by the
19 no-step entrance;
- 20
- 21 (7) design kitchen cabinets and fixtures to allow a person in a wheel chair to
22 prepare food;
- 23
- 24 (8) use lever handles on interior and exterior doors;
- 25
- 26 (9) make hallways at least 36 inches wide; and
- 27
- 28 (10) install a no-step entrance leading to decks, patios, the rear yard, and the
29 like and between an attached garage and residence.

30 SECTION 7. Add Sec. 110-254, Implementation, to read as follows:

31
32 Before the city council approves the final land division application, the city and
33 developer shall execute an agreement that, at a minimum:

- 34 (1) states the number of dwelling units by type the developer is obligated to
35 have built;
- 36
- 37 (2) restates the requirements of section 110-253(b) in effect at the time the
38 city council approved the preliminary land division;
- 39
- 40 (3) prescribes the mechanism the developer will use to ensure that the
41 required number of accessible dwelling units by type are built if he is
42 intending to sell some or all of the lots as bare land; and
- 43
- 44 (4) prescribes one or more specific remedies in the event the accessible units
45 are not built consistent with the terms of the agreement.
- 46

1 SECTION 8. Add Sec. 110-255, Sample agreement, to read as follows:
2

3 The city council may by resolution adopt a model agreement and amend it from
4 time to time. Upon adoption or amendment, it shall be included as an appendix to
5 this chapter for reference purposes only in that it is not considered a part of the
6 municipal code.

7 Passed and adopted this _____ day of _____, 2007.
8
9

10 _____(SEAL)
11 Sandra J. Decker, Mayor
12
13

14 ATTEST: _____(SEAL)
15 --, Clerk/Treasurer
16

17 Introduced: _____
18 Notices published: _____
19 Public hearing held: _____
20 Adopted: _____
21 Published: _____ (within 10 days of adoption)
22

23 *Sponsors: Mason Braunschweig and Diane Roberts*
24 *Initial discussion draft prepared on 1/30/07 by Tim Schwecke, City Planner*
25 *First reading draft prepared on 6/22/07 by Tim Schwecke, City Planner*